IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Criminal Misc. Appn. No. 724 of 2006

Sushil Pundera,
S/o Sri Ram Prasad Pundera
R/o Village Padli, Patti Bangansyun,
District Pauri Garhwal.

.....Applicant

Versus

State of Uttaranchal

.....Respondent.

Mr. R.P. Nautiyal, Advocate for the applicant.
Mr. K.S. Rautela, Asstt. Government Advocate for the State.

Hon'ble Prafulla, C. Pant, J.

Heard.

2. This Petition under Section 482 of the Code of Criminal Procedure, 1973, is moved on behalf of the applicant/ petitioner, accused in criminal case No. 1323 of 2000; State Vs. Sushil Pndera and others, under Section 307 of I.P.C., pending in the court of Chief Judicial Magistrate, Tehri Garhwal, seeking exemption from filing fresh bail bonds, in view of fact that bail bonds have already been filed in the said case, vide order dated 31.01.2000. (Annexure -2 to this petition).

3. It appears that a criminal transfer application No. 12 of 2006 was moved by petitioner Sushil Pundera and two other co-accused, under Section 407 of the Code of Criminal Procedure, 1973 (hereinafter referred as the Code) for transfer of their case from the court of Chief Judicial Magistrate, Tehri Garhwal to the court of Special Judge,

Dehradun. Said petition was disposed of vide order dated 28.07.2006 by this court. The said order shows that in respect of two co-accused namely Rukam Chandra Ramola and Dinesh Rangar, it was observed in the order by this court, that they need not to file fresh bail bonds, before the Chef Judicial Magistrate, Tehri Garhwal. However, as to the petitioner, it was observed that, since, it is not established whether he had furnished bail bonds earlier, in said case or not as such, the exemption was not extended to him. These observations were made by this Court while rejecting the transfer application moved under Section 407 of the Code. Now, the petitioner, has filed an affidavit and copy of bail order dated 31.01.2000 has been annexed as Annexure-2 to the affidavit, with this petition, showing that the petitioner Sushil Pundera has also furnished the bail bonds earlier.

4) Considering the above facts and circumstance, it is directed that the petitioner shall not be required to furnish fresh bail bonds again in the aforesaid case No. 1323 of 2000; State Vs Sushil Pundera and others, under Section 307 of the I.P.C., pending before the Chief Judicial Magistrate, Tehri Garhwal.

5) With these observations, this petition under Section 482 of the Code of Criminal Procedure, 1973 is disposed of.

(Prafulla C. Pant, J.)

Dt. 05th September, 2006
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